

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 04-1711V
Filed: May 1, 2009

NOT TO BE PUBLISHED

ESTATE OF TIMOTHY WAYNE DAVIS, JR. , *
TIMOTHY WAYNE DAVIS EXECUTOR, *

Petitioners, *

v. *

SECRETARY OF THE DEPARTMENT *
OF HEALTH AND HUMAN SERVICES, *

Respondent. *

Stipulation; DTaP; IPV; Hib;
Prevnar; Death; Attorney's Fees and
Costs

DECISION¹

On April 24, 2009, the parties to the above-captioned case filed a Stipulation memorializing their agreement as to the appropriate amount of compensation in this case. Petitioner alleges that Timothy Wayne Davis Jr.'s death was caused-in-fact by the DTaP, IPV, Prevnar, and Hib vaccinations which he received on November 20, 2002. Respondent denies that Timothy Wayne Davis Jr.'s death was caused-in-fact by his vaccinations. Nonetheless, the parties agreed informally to resolve this matter.

The court hereby **adopts** the parties' said Stipulation, attached hereto, and awards compensation in the amount and on the terms set forth therein. Specifically, petitioner is awarded a lump sum of **\$50,000.00** in the form of a check payable to Timothy Wayne Davis as executor of the estate of Timothy Wayne Davis, Jr. See Stipulation, para. 8, filed April 24, 2009.

¹The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the entire decision will be available to the public. Id.

Additionally, petitioner is awarded a lump sum of **\$40, 218.88 for attorney's fees and costs** in the form of a check payable to petitioner and petitioner's attorney W. Paul Glass. Id. The Clerk of the Court is directed to enter judgment accordingly.²

IT IS SO ORDERED.

Gary J. Golkiewicz
Chief Special Master

²Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.